



2010 SPECIAL SESSION: DAY 15

March 29, 2010

Dear Kitchen Cabinet members,

Today was yet another “pro forma” (*Latin for basically “a formality”*) day at the Senate, meaning **the Democrats still aren’t any closer to ending their stalemate over which of your taxes to raise.** Unfortunately, I’ve just learned that tomorrow will also be a pro forma day and it appears there is still no end in sight for this special session, a shameful waste of taxpayer dollars.



Rally to support Attorney General Rob McKenna

Over the weekend, supporters of the attorney general’s decision to join in a multi-state lawsuit against the federal government gathered at the capitol in Olympia. I was honored speak immediately following the attorney general and spoke in favor of his principled stand. He, along with at least 12 other state’s attorneys general, are suing over the recently passed federal health care reform law which mandates every citizen of the united states must purchase health insurance. **Surprisingly, the press has been quite supportive of what Attorney General McKenna is doing.**

After news of the lawsuit was made public, my fellow Senate Republicans and I sent a letter expressing our support for the AG and his argument that the new federal law violates the [U.S. Constitution](#). **Remember, this is not at all about health care.** This is about the federal government overstepping its authority by requiring private citizens to purchase health insurance from private companies. Many of us see that as a clear violation of **Amendment 10** and **Amendment 14** in the Constitution.



[The 10th Amendment to the U.S. Constitution](#) states that *“The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”* What that means is that unless the right of the federal government to force everyone in the country to purchase health insurance has been clearly set forth in the Constitution, the new law is in violation and will likely be overturned by the attorney general’s lawsuit when it comes to the United States Supreme Court.

In further reading the Constitution, I found that the new law may also be a violation of the [14th Amendment](#), part of which states “No state shall make or **enforce** any law which shall abridge the privileges or immunities of citizens of the United States.” I believe that if a private citizen purchasing health insurance is a privilege or immunity, then **we have an obligation to bring suit** against the federal government for this mandate.

If you look at [Article 1, Section 8](#), of the United States constitution, you will see a list of all the powers that are specifically granted to Congress, and **nowhere among them is the power to force a person – under threat of financial punishment – to purchase health insurance from a private provider.**

The statewide media seems to be in agreement that while the intentions of the new law may be noble, the process by which it will be implemented is a dangerous usurping of power specifically granted not to the federal government, but to the states and to the people by our founding fathers. Here are just a few editorials published today which opine in favor of the AG’s lawsuit:

- **Tacoma News Tribune:** [Health reform needs the McKenna lawsuit](#)
- **Seattle Times:** [AG Rob McKenna has a case to challenge the health-care law's individual mandate](#)

In closing...

If you know someone in our district who might be interested in receiving these updates, please feel free to forward this e-mail to him or her.

You can always find information online by visiting my website at

www.SenateRepublicans.wa.gov/Carrell.

As always, if you'd like to contact me you can write, phone, e-mail, or stop by my Olympia office. My office phone number is (360) 786-7654, and my home phone number is (253) 581-2859. Or you can write me at **102 Irv Newhouse Building, P.O. Box 40428, Olympia, WA 98504-0428.**



- Legislative E-mail address: carrell.mike@leg.wa.gov
- Home E-mail address: mcarrell@hotmail.com

Sincerely,

Mike Carrell

28th District State Senator